

113TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
 1st Session 113–260

SUPPORTING THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THE RIGHT TO COUNSEL

NOVEMBER 12, 2013.—Referred to the House Calendar and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H. Res. 196]

The Committee on the Judiciary, to whom was referred the resolution (H. Res. 196) supporting the Sixth Amendment to the United States Constitution, the right to counsel, having considered the same, reports favorably thereon without amendment and recommends that the resolution be agreed to.

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Purpose and Summary

H. Res. 196 states the House of Representatives' support of the Sixth Amendment to the United States Constitution, the right to counsel, and its continued commitment to pursue strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel.

Background and Need for the Legislation

This year marks the fiftieth anniversary of the Supreme Court decision, *Gideon v. Wainwright*.¹ In *Gideon*, the Court held that the Sixth Amendment to the U.S. Constitution requires that indigent defendants be provided counsel in all felony cases. In the Court's opinion, Justice Black stated:

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.²

The Supreme Court later extended the scope of a defendant's right to counsel in *Argesinger v. Hamlin*, which held that "absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor or felony, unless he was represented by counsel at his trial."³

Hearings

The Committee on the Judiciary held no hearings on H. Res. 196.

Committee Consideration

On May 7, 2013, the Committee met in open session and ordered the resolution H. Res. 196 favorably reported without amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H. Res. 196.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

¹372 U.S. 335 (1963).

²*Id.* at 344.

³407 U.S. 25, 37 (1972).

Duplication of Federal Programs

No provision of H. Res. 196 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee estimates that H. Res. 196 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. 551.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H. Res. 196, states the House of Representatives' support of the Sixth Amendment to the United States Constitution and the right to counsel.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H. Res. 196 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

Section-by-Section Analysis

H. Res. 196 states the House of Representatives' support of the Sixth Amendment to the United States Constitution, the right to counsel, and its continued commitment to pursue strategies to improve the criminal justice system to ensure that indigent defendants in all felony cases are adequately represented by counsel.

